

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

COLBY L. BEAL, individually and on behalf of
a class of all persons and entities similarly
situated,

Plaintiff

vs.

OUTFIELD BREW HOUSE, LLC, D/B/A
BUDWEISER BREW HOUSE

Defendant.

Case No. 2:18-cv-4028

DECLARATION OF LAURI A. MAZZUCHETTI IN SUPPORT OF BILL OF COSTS

I, Lauri A. Mazzuchetti, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a Partner at the law firm Kelley Drye & Warren LLP, attorneys of record for defendant Outfield Brew House, LLC d/b/a Budweiser Brew House (“Brew House”) and am admitted *pro hac vice* in this matter.

2. Except as otherwise indicated, I make this declaration on the basis of my personal knowledge of the facts and events described herein, which knowledge was gained during my representation of Brew House.

3. I make this declaration in support of Brew House’s Bill of Costs, submitted pursuant to L.R. 54.1(a), Fed. R. Civ. P. 54(d)(1), and 28 U.S.C. § 1920. The following Itemization of Costs sets forth and itemizes costs incurred by Brew House.

4. The Bill of Costs filed by Brew House contains taxable costs necessarily incurred by Brew House in connection with litigating this matter, and includes costs related to: (i) fees to the Clerk, (ii) fees for printed or electronically recorded transcripts, (iii) fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case, and (iv) compensation of court appointed experts.

5. The invoices included with Exhibits A to D attached to this Declaration have been highlighted. Where a charge reflected on an exhibit has been highlighted, it was included in Brew House's Bill of Costs; where the charge is not highlighted, it has been excluded.

Fees to the Clerk

6. For fees to the Clerk, Brew House is seeking \$400.00 in fees incurred in connection with applications for admission to practice *pro hac vice* before this Court. Attached is Exhibit A, which is an itemized list of these costs, together with supporting invoices.

Fees for Printed or Electronically Recorded Transcripts

7. For court reporting services, Brew House is seeking \$10,819.30 incurred in connection with obtaining printed and electronically recorded transcripts of depositions and hearings in this matter. Attached is Exhibit B, which is an itemized list of these costs, together with supporting invoices.

8. As set forth in Exhibit B, Brew House is seeking costs for the court reporter's attendance, the preparation of stenographic transcripts, for copying or duplication of exhibits to the depositions. Brew House is also seeking to recover for costs associated with videotaping depositions. In many instances, Plaintiff elected to videotape depositions, and it was necessary for Brew House to have access to the same evidence that Plaintiff elected to obtain. Where Brew

House elected to videotape depositions, this type of record was necessary because the witnesses' credibility and demeanor were of significant importance to the case.

9. Transcripts of all of the depositions listed in Exhibit B were properly and necessarily obtained for use in this case. Of the thirteen depositions taken in this case, eight of the depositions were noticed by Plaintiff. The depositions that were noticed by Brew House included Plaintiff, Plaintiff's expert and individuals identified by Plaintiff in response to Brew House's discovery requests. With respect to hearing transcripts, these transcripts were also necessarily obtained for use in this case as both transcripts were ordered in preparation for motion practice before this Court.

10. Brew House is not seeking to recover any fees incurred in connection with service of any third-party witnesses.

Fees for Exemplification and the Costs of Making Copies

11. Discovery in this matter was wide-ranging, involving the production of over 22,000 documents by Brew House. The discovery requested by Plaintiff covered a broad range of documents and information, and required the copying and production of a substantial amount of electronically stored information ("ESI").

12. Brew House is seeking \$3,054.01 in fees incurred in connection with copying and production of materials to Plaintiff in response to his discovery requests. Attached is Exhibit C, which is an itemized list of these costs, together with supporting invoices. Brew House is also submitting the Declaration of Eric Cohen to further explain the costs associated with copying and producing ESI.

Compensation of Court Appointed Experts

13. On November 15, 2018, the Court appointed a Special Master to resolve discovery disputes.

14. Brew House is seeking \$178.75 in fees incurred in connection with the engagement of Judge Schaeperkoetter as Special Master in this matter. Attached is Exhibit D, which is an itemized list of costs, together with the supporting invoice.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 5, 2020



LAURI A. MAZZUCHETTI